

Senate Study Bill 3079 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC HEALTH BILL)

A BILL FOR

1 An Act relating to various activities regulated and programs
2 administered by the department of public health, including
3 the Iowa collaborative safety net provider network,
4 fetal death certification, and optometry, cosmetology,
5 and barbering licensure, and including effective date
6 provisions.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 135.24, subsection 7, paragraph e, Code
2 Supplement 2009, is amended to read as follows:

3 e. "*Specialty health care provider office*" means the
4 private office or clinic of an individual specialty health
5 care provider or group of specialty health care providers as
6 referred by the ~~Iowa collaborative safety net provider network~~
7 ~~established in section 135.153~~ Iowa specialty care referral
8 network, but does not include a field dental clinic, a free
9 clinic, or a hospital.

10 Sec. 2. Section 144.31, Code 2009, is amended to read as
11 follows:

12 **144.31 Medical certification — fetal death.**

13 1. The medical certification for a fetal death shall be
14 completed within ~~twenty-four~~ seventy-two hours after delivery
15 by the physician in attendance at or after delivery except when
16 inquiry is required by the county medical examiner.

17 2. When a fetal death occurs without medical attendance upon
18 the mother at or after delivery or when inquiry is required
19 by the county medical examiner, the medical examiner shall
20 investigate the cause of fetal death and shall complete the
21 medical certification within ~~twenty-four~~ seventy-two hours
22 after taking charge of the case. The person completing the
23 medical certification of cause of fetal death shall attest to
24 its accuracy either by signature or as authorized by rule.

25 Sec. 3. Section 148.3, subsection 1, paragraph a,
26 unnumbered paragraph 1, Code Supplement 2009, is amended to
27 read as follows:

28 A Evidence of a diploma issued by a medical college or
29 college of osteopathic medicine and surgery approved by the
30 board, or other evidence of equivalent medical education
31 approved by the board. The board may accept, in lieu of a
32 diploma from a medical college approved by the board, all of
33 the following:

34 Sec. 4. Section 154.1, Code 2009, is amended to read as
35 follows:

1 154.1 ~~Board defined—optometry — diagnostically~~
2 ~~certified licensed optometrists — therapeutically certified~~
3 ~~optometrists~~ Definitions — optometry.

4 1. As used in this chapter, “board”:

5 a. “Board” means the board of optometry created under
6 chapter 147.

7 b. “Licensed optometrist” means an optometrist who is
8 licensed to practice optometry in this state pursuant to this
9 chapter.

10 2. For the purpose of this subtitle, the following classes
11 of persons shall be deemed to be engaged in the practice of
12 optometry:

13 a. Persons employing any means other than the use of drugs,
14 medicine, or surgery for the measurement of the visual power
15 and visual efficiency of the human eye; persons engaged in
16 the prescribing and adapting of lenses, prisms, and contact
17 lenses; and persons engaged in the using or employing of visual
18 training or ocular exercise for the aid, relief, or correction
19 of vision.

20 b. Persons who allow the public to use any mechanical device
21 for a purpose described in paragraph “a”.

22 c. Persons who publicly profess to be optometrists and to
23 assume the duties incident to the profession.

24 ~~3.— Diagnostically certified licensed optometrists may~~
25 ~~employ cycloplegics, mydriatics, and topical anesthetics as~~
26 ~~diagnostic agents topically applied to determine the condition~~
27 ~~of the human eye for proper optometric practice or referral~~
28 ~~for treatment to a person licensed under chapter 148. A~~
29 ~~diagnostically certified licensed optometrist is an optometrist~~
30 ~~who is licensed to practice optometry in this state and who is~~
31 ~~certified by the board to use diagnostic agents.~~

32 ~~4.— Therapeutically certified optometrists may employ all~~
33 ~~diagnostic and therapeutic pharmaceutical agents for the~~
34 ~~purpose of diagnosis and treatment of conditions of the human~~
35 ~~eye and adnexa pursuant to this subsection, excluding the~~

~~1 use of injections other than to counteract an anaphylactic
2 reaction, and notwithstanding section 147.107, may without
3 charge supply any of the above pharmaceuticals to commence a
4 course of therapy. Therapeutically certified optometrists may
5 prescribe oral steroids for a period not to exceed fourteen
6 days without consultation with a physician. Therapeutically
7 certified optometrists shall not prescribe oral Imuran or
8 oral Methotrexate. Therapeutically certified optometrists
9 may be authorized, where reasonable and appropriate, by
10 rule of the board, to employ new diagnostic and therapeutic
11 pharmaceutical agents approved by the United States food
12 and drug administration on or after July 1, 2002, for the
13 diagnosis and treatment of the human eye and adnexa. The
14 board shall not be required to adopt rules relating to
15 topical pharmaceutical agents, oral antimicrobial agents,
16 oral antihistamines, oral antiglaucoma agents, and oral
17 analgesic agents. Superficial foreign bodies may be removed
18 from the human eye and adnexa. The therapeutic efforts of
19 a therapeutically certified optometrist are intended for the
20 purpose of examination, diagnosis, and treatment of visual
21 defects, abnormal conditions, and diseases of the human eye
22 and adnexa, for proper optometric practice or referral for
23 consultation or treatment to persons licensed under chapter
24 148. A therapeutically certified optometrist is an optometrist
25 who is licensed to practice optometry in this state and who
26 is certified by the board to use the agents and procedures
27 authorized pursuant to this subsection.~~

28 3. Beginning July 1, 2012, all licensed optometrists shall
29 meet requirements as established by the board by rule to
30 employ diagnostic and therapeutic pharmaceutical agents for
31 the practice of optometry. All licensees practicing optometry
32 in this state shall have demonstrated qualifications and have
33 obtained certification to use diagnostic and therapeutic
34 pharmaceutical agents as a condition of license renewal.

35 4. A licensed optometrist may do any of the following:

1 a. Employ cycloplegics, mydriatics, and topical anesthetics
2 as diagnostic agents topically applied to determine the
3 condition of the human eye for proper optometric practice or
4 referral for treatment to a person licensed under chapter 148.

5 b. Employ therapeutic pharmaceutical agents for the purpose
6 of diagnosis and treatment of conditions of the human eye
7 and adnexa pursuant to this subsection, excluding the use of
8 injections other than to counteract an anaphylactic reaction,
9 and notwithstanding section 147.107, may without charge supply
10 any of the pharmaceuticals described in paragraph "a" to
11 commence a course of therapy.

12 c. Prescribe oral steroids for a period not to exceed
13 fourteen days without consultation with a physician. However,
14 a licensed optometrist shall not prescribe oral Imuran or oral
15 Methotrexate. Licensed optometrists may be authorized, where
16 reasonable and appropriate, by rule of the board, to employ new
17 diagnostic and therapeutic pharmaceutical agents approved by
18 the United States food and drug administration on or after July
19 1, 2002, for the diagnosis and treatment of the human eye and
20 adnexa. The board is not required to adopt rules relating to
21 topical pharmaceutical agents, oral antimicrobial agents, oral
22 antihistamines, oral antiglaucoma agents, or oral analgesic
23 agents.

24 d. Remove superficial foreign bodies from the human eye and
25 adnexa.

26 5. The therapeutic efforts of a licensed optometrist
27 are intended for the purpose of examination, diagnosis, and
28 treatment of visual defects, abnormal conditions, and diseases
29 of the human eye and adnexa, for proper optometric practice
30 or referral for consultation or treatment to persons licensed
31 under chapter 148.

32 Sec. 5. Section 154.10, Code 2009, is amended by striking
33 the section and inserting in lieu thereof the following:

34 **154.10 Standard of care.**

35 Licensed optometrists employing diagnostic and therapeutic

1 pharmaceutical agents as authorized by section 154.1 shall be
2 held to the same standard of care in the use of such agents and
3 in diagnosis and treatment as is common to persons licensed
4 under chapter 148.

5 Sec. 6. Section 157.1, subsection 5, paragraph c, Code 2009,
6 is amended to read as follows:

7 c. Removing superfluous hair from the face or body of a
8 person with the use of depilatories, wax, sugars, threading, or
9 tweezing.

10 Sec. 7. Section 157.1, subsection 12, paragraph c, Code
11 2009, is amended to read as follows:

12 c. Removing superfluous hair from the body of a person
13 by the use of depilatories, waxing, sugaring, tweezers,
14 threading, or use of any certified laser products or
15 intense pulsed light devices. This excludes the practice of
16 electrology, whereby hair is removed with an electric needle.

17 Sec. 8. Section 157.8, subsection 2, Code 2009, is amended
18 to read as follows:

19 2. The number of instructors for each school shall
20 be based upon total enrollment, with a minimum of two
21 licensed instructors employed on a full-time basis for up to
22 thirty students and an additional licensed instructor for each
23 fifteen additional students. A student instructor shall not be
24 used to meet licensed instructor-to-student ratios. However,
25 a A school operated by an area community college prior to
26 September 1, 1982, with only one instructor per fifteen
27 students is not subject to this paragraph and may continue to
28 operate with the ratio of one licensed instructor to fifteen
29 students. A student instructor may not be used to meet this
30 requirement.

31 a. A person employed as an instructor in the cosmetology
32 arts and sciences by a licensed school shall be licensed in
33 the practice and shall possess a separate instructor's license
34 which shall be renewed biennially. An instructor shall file
35 an application with the department on forms prescribed by the

1 board of respiratory care. Similar language exists in Code
2 chapter 147, which regulates health professions generally.

3 The bill amends Code sections 154.1 and 154.10, relating to
4 the practice of optometry, effective July 1, 2012. On that
5 July 1, 2012 date, the amendment requires optometrists to
6 meet board requirements to employ diagnostic and therapeutic
7 pharmaceutical agents. The bill eliminates the option of
8 preparation and certification at the diagnostic level only, and
9 requires every optometrist to demonstrate qualification and
10 certification to use both diagnostic and therapeutic agents as
11 a condition of license renewal.

12 The bill amends Code section 157.1 by adding the practice
13 of threading to the scope of practice of cosmetology and
14 esthetics. The bill also amends Code section 157.8, by
15 providing that a student instructor does not count toward
16 meeting the instructor-student ratio detailed in that Code
17 section. In addition, the bill strikes specific licensure
18 requirements and provides that licensure requirements for
19 instructors will be determined by rule.

20 Code section 158.4 allows the department to issue a
21 temporary barbering permit for persons who are demonstrating
22 barbering techniques. The bill empowers the department to
23 determine by rule the reasons for which a temporary permit may
24 be issued.